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Kenneth J. Artis

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EXAMINER

LIU, CHIA-YI

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/678,390	Applicant(s) ARTIS, KENNETH J.	
	Examiner CHIA YI LIU	Art Unit 3695	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17, 45 and 46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17, 45 and 46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to an amendment submitted 8/16//2010. Applicant has amended Claims 1, 45 and 46. Claims 1-17 and 45-46 are pending for examination. New grounds of rejections, necessitated by Applicant's amendments, are established as set forth in detail below.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 46 is rejected under 35 USC § 101 because the claimed invention is directed to non-statutory subject matter. Based on Supreme Court precedent and recent Federal Circuit decisions, a § 101 process must (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. If neither of these requirements is met by the claim, the method is not a patent eligible process under § 101 and should be rejected as being directed to non-statutory subject matter. To qualify as a § 101 statutory process, the claim should positively recite the other statutory class (the thing or product) to which it is tied, for example by identifying the apparatus that accomplishes the method steps, or positively recite the subject matter that is being transformed, for example by identifying the material that is being changed to a different state. (See *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-88 (1876))

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

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The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 45 and 46 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. More specifically, "automatically aggregating monetary amounts reflected by said remote user requests in an work-specific controlled escrow account on said host computer, from among one or more work-specific controlled escrow accounts maintained on said host computer each identified with a different specific undeveloped creative work" and "whereby records stored on said host computer maintain a correlation between each work-specific controlled escrow account, the specific undeveloped creative work pertaining thereto, and the patron information associated with each specific undeveloped creative work" are new matter not described in the original specification. Removal of new matter is required.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-17, 45 and 46 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per Claims 1-17, it is unclear what the structure elements are. System claims are defined by their structure elements and any corresponding functionality. The "user interface routine", "processing handling routine", "accounting routine", "administrative interface routine" and "benefit redemption routine" do not impart structure. It is not clear if these system elements are structural elements per se, software per se, or human users. According to MPEP § 2105, patent protection may not be granted for a human

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within the scope of a claimed invention (e.g., as an element of a system). If these elements are software per se, then claims 1-17 are rejected for being directed toward software per se since the software is not statically embodied in a computer-readable medium. Appropriate correction is required.

Claim 1, 45 and 46 recite the limitation “automatically aggregates monetary amounts in a work-specific controlled escrow account, from among one or more work-specific controlled escrow accounts maintained on said storage medium each identified with a different specific undeveloped creative work.” It is unclear what the term “each” refers to (the monetary amounts? The escrow accounts?) Assuming that the term “each” refers to the escrow accounts, it is unclear how each of the escrow account is “identified” with a different specific undeveloped creative work. Are the escrow accounts “named after” different specific undeveloped create work? Appropriate correction is required.

Claim 1, 45 and 46 recite the limitation “automatically aggregates monetary amounts in a work-specific controlled escrow account, from among one or more work-specific controlled escrow accounts maintained on said storage medium each identified with a different specific undeveloped creative work.” It is unclear whether the monetary amounts is aggregated from the one or more of accounts on said storage medium or that the “work-specific controlled escrow account” is one of the one or more accounts on said storage medium. The claims are indefinite for having more than one possible meanings and interpretations. Appropriate correction is required.

Claim 1, 45 and 46 recite the limitation “automatically aggregates monetary amounts in a work-specific controlled escrow account, from among one or more work-specific controlled escrow accounts maintained on said storage medium each identified with a different specific undeveloped creative work.” It is unclear what the term “each” refers to (the monetary amounts? The escrow accounts?) Assuming that the term “each” refers to the escrow accounts, it is unclear how each of the escrow account is

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"identified with" a different specific undeveloped creative work. Are the escrow accounts "named after" different specific undeveloped creative work? The claims are indefinite for having more than one possible meanings or interpretations. Appropriate correction is required.

Regarding Claims 1, 45 and 46, it is unclear what Applicant meant by "whereby records stored on said storage medium maintain a correlation between each work-specific controlled escrow account, the specific undeveloped creative work pertaining thereto, and the patron information associated with each specific undeveloped creative work." Each work-specific controlled escrow account is correlated with another work-specific controlled escrow account? Each work-specific controlled escrow account is correlated with a specific undeveloped creative work? It is unclear whether there is only one single correlation between two data or that there are multiple correlations among the data. Also, it is unclear what Applicant attempts to set forth by the phrase "pertaining thereto." The claim is confusing the way it is constructed. Appropriate correction is required.

All claims dependent from claim 1 inherit the same rejections under 35 U.S.C. 112, 1st and 2nd paragraph.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-17, 45 and 46 are rejected under 35 U.S.C. 103(a) as being anticipated by Camelio (US 2004/0015427) in view of Weichert (US 7,003,493 B2), further in view of Pittelli (US 2002/0198763 A1) and further in view of Massey, Jr. (US 6,792,411 B1), and further in view of "Electronic Commerce and the Street Performer Protocol."

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As per Claims 1, 45, 46

Camelio ('427) discloses

providing to remote users presentation information (advertisement for the project) concerning specific undeveloped creative works seeking financial sponsorship, see paragraph 0002 (obtain financing from interested individuals to produce a creative work) and paragraph 0051 (webpage for generating capital for a project of an artist include advertisement for the project)

said undeveloped creative works including motion picture works, see paragraph 0083 (finance and invest in new creative works: film)

receiving and automatically processing requests from remote users for purchases of predefined benefits (purchase rights) relating to a specific undeveloped creative work, said requests received over said wide area electronic network, see at least paragraph 0002 and paragraph 0081

automatically storing, on a host computer, patron information received from the remote users and associating the patron information to the specific undeveloped creative work selected by the remote users, see at least Fig 50 (patron account management: personal info, purchases) and paragraph 0165 (link to a web page to view patron information include name and description of the patron and inventory to which a respective patron have selected through financing the project)

Camelio ('427) teaches aggregating monetary amounts reflected by said remote user requests in an work-specific controlled escrow account, see paragraphs 0144 and 0145, but fails to explicitly disclose the aggregating is performed automatically. However, It is not 'invention' to broadly provide a mechanical or automatic means to replace manual activity which has accomplished the same result (In re Rundell, 9 USPQ 220 (CCPA 1931)) Therefore, the prior arts still read on the claimed invention.

Camelio ('427) teaches aggregating monetary amounts reflected by said remote user requests in an work-specific controlled escrow account, see paragraphs 0144 and 0145, but fails to explicitly disclose aggregating monetary amounts in an work-specific controlled escrow account on said host computer from among one or more work-specific controlled escrow accounts maintained on said host computer each identified with a different specific undeveloped creative work. Official Notice is taken that it was old and well known in the art to select one account from plurality of accounts on a computer to aggregate money to. Limitations identifying the type of information identified by each account is merely non-functional descriptive material and, non-functional descriptive material

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cannot render non-obvious an invention that would have been otherwise been obvious (In re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983). Therefore, the Examiner asserts that it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Camelio's invention to include aggregating monetary amounts in an work-specific controlled escrow account on said host computer from among one or more work-specific controlled escrow accounts maintained on said host computer each identified with a different specific undeveloped creative work. One would have been motivated to do so for the benefit of allowing patron to put money in the account to support the work he or she desires.

Camelio ('427) teaches record stored on a host computer maintaining information about specific undeveloped creative work and patron information, see at least Fig 8 (project info/patrons) and a link allowing patrons to provide capital to support a project, see at least paragraph 0051, but fails to explicitly disclose whereby records stored on said host computer maintain a correlation between each work-specific controlled escrow account, the specific undeveloped creative work pertaining thereto, and the patron information associated with each specific undeveloped creative work. However, it is obvious from Camelio's Fig 8-42 that related information can be correlated and stored on a computer. Therefore, the Examiner asserts that it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Camelio's invention to include whereby records stored on said host computer maintain a correlation between each work-specific controlled escrow account, the specific undeveloped creative work pertaining thereto, and the patron information associated with each specific undeveloped creative work. One would have been motivated to do so for the purpose of allowing user to find related information more quickly.

Camelio ('427) fail to explicitly disclose wherein said presentation information includes a plot description of at least one of the undeveloped motion picture works. Massey ('411) teaches the information concerning a creative work (movie) to be produced include a plot description, see column 4. Therefore, the Examiner asserts that it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Camelio's invention to include wherein said presentation information includes a plot description of at least one of the undeveloped motion picture works. One would have been motivated to do so for the benefit of allowing patrons to decide what creative works are worth investing in based on how interesting he or she thinks the plots are.

Camelio ('427) teaches releases (capital turned over to artist) all or a portion of the aggregated monies (see paragraph 0144, lines 5-6) to facilitate completion of the undeveloped creative work (new project), see paragraph 0145, lines 1-3, but fails to explicitly disclose the monetary amount is released when a predefined target threshold amount is attained. Weichert ('493) teaches the

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monetary amount is released when a predefined target threshold amount is attained (funds can be held in the account until a threshold amount is crossed that would trigger an automated payout), see column 13, lines 43-46. Both Camelio and Weichert are directed toward fund transfer system. Therefore, the Examiner asserts that it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Camelio's invention to include the monetary amount is released when a predefined target threshold amount is attained. One would be motivated to do so, for the benefit of allowing artists to use fund to start on a project when a predetermined financial goal is reached.

Camelio ('427) teaches patron's information includes email, see paragraph 0165, but fail to explicitly disclose electronically notifying patrons associated with the specific undeveloped creative work concerning availability of their purchased benefits through messages transmitted over said wide area electronic network. Official Notice [now admitted prior art] is taken that it was old and well known in the art to electronically notify people news concerning their investments or benefits. Therefore, the Examiner asserts that it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Camelio's invention to include electronically notifying patrons associated with the specific undeveloped creative work concerning availability of their purchased benefits through messages transmitted over said wide area electronic network. One would have been motivated to do so for the benefit of keeping patrons updated on changes associated with their benefits.

Camelio ('427) teaches patron's information includes email, see paragraph 0165, but fail to explicitly disclose electronically notifying patrons upon the condition that the predefined target threshold amount is not attained. Pittelli ('763) teaches if the artist does not obtain a certain level of predefined support, the consumer is entitled to a refund of their contribution, see paragraph 0035. Since consumer is entitled to a refund if the predefined threshold is not attained, it would have been obvious to notify (email) the patron about the refund he or she is or will be getting. Therefore, the Examiner asserts that it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Camelio's invention to include electronically notifying patrons upon the condition that the predefined target threshold amount is not attained. One would be motivated to do so for the benefit of keeping patrons updated on what happened to the funds he or she contributed.

Camelio ('427) teaches money contributed by fan may be place in an escrow account, see paragraph 0144, and when the artist has reached has financial goal the project may then be produced, see paragraph 0145, but fails to explicitly disclose providing viewing access for the artist associated with developing the undeveloped creative work of the monetary amount in the escrow account

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through an electronic connection from an administrative or remote computer to the host computer. However, since the artists are allowed to raise capital on their own, see paragraph 0007 of Camelio, it would be obvious to allow the artist to know how much money he/she has raised (money raised= money contributed by fan= monetary amount in escrow account). Further, "Electronic Commerce and the Street Performer Protocol" teaches author's website shows how much money has already been donated, see at least Page 5, left column. Therefore, the Examiner asserts that it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Camelio's invention to include providing viewing access for the artist associated with developing the undeveloped creative work of the monetary amount in the escrow account. One would be motivated to do so, for the benefit of allowing artists to know if enough funding has been raised to complete his/her work.

Applicant is reminded that a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. "For use in development of the specific undeveloped creative work", "to facilitate completion of the specific undeveloped creative work" are merely an intended use that does not result in a structural difference and therefore does not have patentable weight.

As per Claim 2.

Camelio ('427) further discloses means for disseminating to user-interactive devices (ArtistShare) presentation information relating to one or more undeveloped creative works, see paragraph 0107, lines 3-6 and paragraph 0080, lines 2-3, 11-15.

As per Claim 3.

Camelio ('427) further discloses a web server coupled to a storage medium (database) having stored thereon one or more web pages containing the presentation information (information of creative works), see paragraph 0047, lines 3-6, and paragraph 0052, lines 4-6.

As per Claim 4

Camelio ('427) further discloses software instructions for executing steps whereby the presentation information is downloaded to remote computerized machines (PDA, personal computer) configured to allow a plurality of different potential patrons to review the presentation information, see paragraph 0169, lines 11-12, paragraph 0087, lines 3-4, paragraph 0081, lines 23-27.

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As per Claim 5

Camelio ('427) further discloses software instructions for execution on a remote patron computer and data files comprising at least a portion of said presentation information, see paragraph 0087, lines 3-4 and paragraph 0082.

As per Claim 6

Camelio ('427) further discloses presentation information (artist's creations) exists in static medium (CD), wherein said form on a printed or magnetic see paragraph 0085, lines 11-14, and paragraph 0187, lines 24-31.

As per Claim 7

Camelio ('427) further discloses the process handling routine receives electronic payment information from the patron electronically (Internet payment) from user-interactive devices and automatically provides the electronic payment information to said accounting routine for aggregation with other received funds, see paragraph 0087, lines 10-15.

As per Claim 8

Camelio ('427) further discloses a process handling routine collects patron information including the name of the patron and the patron's e-mail address, and associates the patron information with the undeveloped creative work and the purchased benefits, see at least paragraph 0165 , lines 1-2, 5-10 and Fig 51.

As per Claim 9

Camelio ('427) further discloses benefit redemption routine uses the patron's email address to notify the patron concerning the availability of the patron's purchased benefit or that the predefined target threshold amount was not attained, see Claim 1 above.

As per Claim 10

Camelio ('427) further discloses the purchased benefit comprises a copy (downloadable recording of final project) of or discount relating to the creative work, see paragraph 0120, lines 6-8.

As per Claim 11

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Camelio ('427) does not specifically disclose a discount relating to merchandise or service relating to the creative work, other than the creative work itself. Pittelli teaches discounts on merchandise associated with the artist (relating to creative work, other than creative work itself) see paragraph 0021, lines 16-19. Both Camelio and Pittelli are directed toward obtaining financing from interested individuals to produce a work. Therefore, the Examiner asserts that it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Camelio's invention to include a discount relating to merchandise or service relating to the creative work, other than the creative work itself. One would be motivated to do so for the benefit of attracting fans to financially contribute to the development of artists.

As per Claim 12

Camelio ('427) does not specifically disclose a copy of or discount on a creative work different from the undeveloped creative work or to other merchandise or services unrelated to the undeveloped creative work, Pittelli teaches discount to other services (concert), see paragraph 0021, lines 16-19. Both Camelio and Pittelli are directed toward obtaining financing from interested individuals to produce a work. Therefore, the Examiner asserts that it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Camelio's invention to include a copy of or discount on a creative work different from the undeveloped creative work or to other merchandise or services unrelated to the undeveloped creative work. One would be motivated to do so for the benefit of attracting people to financially contribute to the undeveloped work.

As per Claim 13

Camelio ('427) further discloses data in the storage medium is updated to include presentation information relating to in-progress development (project status, process) or completion of the creative work (finish date, release date), see figure 8.

As per Claim 14

Camelio ('427) further discloses the updated presentation information comprises audio, image and/or [visual] video data of the creative work, see paragraph 0171 and 0172 and Fig. 32.

As per Claim 15

Camelio ('427) further discloses an update notification routine having access to the patron information, stored in the storage medium, for facilitating

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automatic electronic notification of patrons associated with a particular undeveloped creative work concerning the updated presentation information, see paragraph 0165, lines 1-2, paragraph 0145 lines 1-4, and paragraph 0160, lines 3-5 and Claim 1 above.

As per Claim 16

Camelio ('427) further discloses the purchased benefit comprises digital data (CD) relating to the creative work, and wherein a patron may obtain the purchased benefit electronically by accessing the computerized system and requesting electronic transmission of the digital data to a patron's computer, paragraph 0146, lines 1-4.

As per Claim 17

Camelio ('427) does not specifically disclose benefit redemption routine electronically transmits a key number to said patrons, which may be used by said patrons to redeem the purchased benefit online and/or at a point-of-sale location. Official Notice [now admitted prior art] is taken that it is old and well known in the coupon redemption arts to have numbers on coupons for redemption, for example, electronic coupons, for identification of the redemption offer and the associated products. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a number to redeem benefits online. One would be motivated to do so for the benefit of allowing patrons to more easily and conveniently redeem their benefits.

Response to Arguments

Applicant argues that the amended method of claim 46 is operated on a machine and the machine specifically implements a number of claimed steps and therefore obviating any concerns under 35 USC § 101. The Examiner disagrees. There is insufficient tie between the method steps and a particular apparatus. The storing of data on a computer is merely insignificant extra- solution activity. "Automatically" performing certain steps does not clearly convey the extent of involvement of a machine in performing these steps. "Aggregating monetary amounts reflected by said remote user requests in a work-specific controlled escrow on said host computer" does not necessarily mean that the monetary amounts is aggregated "by" the host computer. Therefore Applicant's argument is not persuasive. One possible recommendation

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would be to amend all the method steps to be explicitly performed "by a computer" if such amendment is supported by Applicant's Specification.

Applicant argues that the amended Claim 1 now recites "a main computer system" and specifies that the "user interface routine", "process handling routine", and so on operate on the main computer system or a separate standalone computer system" and also includes a "storage medium associated with said main computer system" and therefore Claim 1 contains clear structural elements and meets the statutory requirements including 35 U.S.C. 112 2nd paragraph. The Examiner disagrees. System claims are defined by their structure elements and any corresponding functionality. The "user interface routine", "processing handling routine", "accounting routine", "administrative interface routine" and "benefit redemption routine", "a main computer system" and "standalone computer system" do not impart structure. It is unclear what the structure elements of Claim 1-17 are. Therefore, Applicant's argument is not persuasive.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHIA YI LIU whose telephone number is (571)270-1573. The examiner can normally be reached on Mon-Thurs, alternating Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CHARLES KYLE can be reached on (571) 272-6746. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CHIA YI LIU
Examiner
Art Unit 3695

/Thu Thao Havan/
Primary Examiner, Art Unit 3695